

REQUEST FOR CONFIDENTIAL TREATMENT

PUBLIC VERSION

January 7, 2011

VIA COURIER AND ELECTRONIC MAIL

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, S.W.
Washington, DC 20554

Joe Cavender
Joe.cavender@fcc.gov
Wireline Competition Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

FILED/ACCEPTED

JAN - 7 2011

Federal Communications Commission
Office of the Secretary

Re: CC Docket No. 96-45; *In the Matter of the Petition of Worldcall Interconnect, Inc. for Designation as an Eligible Telecommunications Carrier Under 47. U.S.C. § 214(e)(6) in Warren and Washington Counties in the State of New York.*

Dear Secretary Dortch:

In discussions with Mr. Joe Cavender of the Wireline Competition Bureau regarding Worldcall Interconnect, Inc.'s ("WCX") petition for designation as an Enhanced Telecommunications Carrier ("ETC"), Mr. Cavender requested that WCX provide the company's Five Year Plan, as set forth in the Commission's *Report and Order* in the above-captioned proceeding.¹ WCX hereby files the enclosed Five Year Plan.

WCX requests confidential treatment of certain information contained in the Five Year Plan. The attached Five Year Plan has been marked "**REDACTED – FOR PUBLIC INSPECTION.**" WCX will also be submitting, under separate cover letter, a confidential version of this Five Year Plan. The confidential version is marked "**CONFIDENTIAL – NOT FOR PUBLIC INSPECTION.**"

Please do not hesitate to contact me with any questions using the information in the

¹ See *Federal-State Joint Board on Universal Service, Report & Order*, 20 FCC Rcd 6371 (2005).

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Ms. Marlene Dortch
Mr. Joe Cavendar

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letterhead.

Respectfully submitted,

/s/ Matthew A. Henry
Matthew Henry
Counsel for Worldcall Interconnect

Enclosures

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20054**

In the Matter of)	
)	
Federal-State Joint Board on)	CC Docket No, 96-45
Universal Service)	
)	

**SUPPLEMENTAL FILING OF WCX's FIVE-YEAR PLAN IN CONJUNCTION WITH
ITS PETITION FOR DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS
CARRIER IN WARREN AND WASHINGTON COUNTIES OF THE STATE OF NEW
YORK**

Worldcall Interconnect Inc. ("WCX" or the "Company") is a wireless service provider with a pending application to become an Eligible Telecommunications Company ("ETC") for its LTE licensed area within the State of New York. WCX hereby submits to the Commission, on a confidential basis, its current five-year deployment plan information ("Network Deployment Plan") in response to a recent staff request. Our Network Deployment Plan has been updated since the creation of WCX's initial 5 year plan¹ to reflect the substantial planning work that WCX has done while our Petition has been pending. WCX's original and current deployment plans are both based on the express assumption in its Petition² that WCX will be reimbursed

¹ WCX prepared its initial 5 year network deployment plan when it filed its original petition, and it has shared with FCC Staff and USAC openly all elements of this original plan. For example, WCX answered questions about its deployment plans in previous meetings with Staff and USAC (please see WCX's 4/8/2009 and 11/13/2009 ex parte filing in this docket documenting WCX's efforts in pursuing FCC action to resolve this pending Petition.) WCX also notes that other Wireless Carriers who have filed for and been granted ETC status in New York did not file their five-year deployment plan concurrent with their petition for designation or even prior to their designation as an ETC being granted. NY RSA 2 Cellular Partnership's filings at the FCC in this Docket show that no initial five-year network plan was ever formally filed. In fact, NY RSA 2 (which is Verizon) has only recently made its initial filing related to its deployment plan. Further, the Verizon filing was filed as an update to their deployment plan after having been designated as an ETC for several years.

² For example, WCX in its opening introductory paragraph states: "... Specifically, when and if ETC designation is approved, WCX intends to calculate (per 47 C.F.R. § 36) its own service area cost per loop ("SACPL") and directly submit cost data to USAC to obtain both high cost loop support and local switching support (47 C.F.R. § 54.301). WCX will keep its accounts for services it provides within the attached service area consistent with the "Exemption" from the recently-imposed "CETC Cap." Please also see our request for relief in the pleading

based on its own costs consistent with the exemption permitted by the “Interim Cap Order.”³ Thus, WCX’s Network Deployment Plan, attached herein, logically assumes that WCX will be reimbursed based on its own costs and shows what the subsidy will be used for. However, if WCX is not to be allowed to be reimbursed based on its own costs as WCX sets forth in its Petition or in a similar manner, WCX’s Network Deployment Plan would be inaccurate and results unattainable. The Network Deployment Plan as filed herein would not be sustainable without subsidy due to the high cost associated with providing services to the specific rural and unserved areas.

The plain reading of the exemption from the interim cap order as well as the comments made by the Commissioners with regard to the exemption at the time the interim cap was adopted shows a clear intent that CETCs who operate based on their actual “own costs” in order to be “exempt” from the cap would be allowed to be reimbursed USF subsidies based upon their own costs. However, in the event that allowed subsidies do not correspond to WCX’s actual “own costs,” WCX requests a detailed explanation by the FCC as to why CETCs would not be eligible to be reimbursed based upon their own costs per the exemption and what subsidies, if any, would be allowed for WCX’s requested Service Area under any current allowed mechanism.

which states, “pursuant to Section 214(e)(6) of the Act, WCX respectfully requests that the FCC: (1) enter an Order designating WCX as an ETC for its requested ETC service area as shown on Exhibit B hereto; (2) find that the WCX is eligible for High Cost Loop Support and Local Switching Support and such support shall be based upon WCX’s own costs and not that of an overlapping ILEC; (3) find that USAC may utilize the forms proposed in Exhibit C or as reasonably modified by the parties to determine the amount of direct subsidy USAC shall remit to WCX...”Also, for example, please see the entire introduction as well as paragraphs 45, 46, 47,48, 49, 54 and Exhibit C which detail out WCX’s understanding of how the Cap Exemption applies.

³ See, Order, *In the Matter of High-Cost Universal Service Support, Federal-State Joint Board on Universal Service*, 23 FCC Rcd.8834, 8848-8849 (2008) (“*CETC Cap Order*”); MO&O, *In the Matter of Applications of AT&T Inc. and Dobson Communications Corporation; For Consent to Transfer Control of Licenses and Authorizations*, 22 FCC Rcd. 20295, 20330 (2007).

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WCX reserves the right to update or change its current deployment plan if (1) there is additional material delay by the FCC in processing our Petition or (2) the intended subsidy mechanism under the “Interim Cap” does not actually allow the CETC to be treated in a similar manner as the ILECs who serve their own Service Area. Further, in the event that CETCs are not treated in a manner similar to ILECs who serve their own Service Area, WCX requests an explanation as to exactly what subsidy the FCC intends for CETCs, such as WCX, who have unique service areas and keep their own costs in order to be exempt from the Cap.

I. The Five-Year Deployment Plan

FCC rule 47 CFR 54.202(a)(ii) states that the ETC shall:

Submit a five-year plan that describes with specificity proposed improvements or upgrades to the applicant's network on a wire center-by-wire center basis throughout its proposed designated service area. Each applicant shall demonstrate how signal quality, coverage or capacity will improve due to the receipt of high-cost support; the projected start date and completion date for each improvement and the estimated amount of investment for each project that is funded by high-cost support; the specific geographic areas where the improvements will be made; and the estimated population that will be served as a result of the improvements. If an applicant believes that service improvements in a particular wire center are not needed, it must explain its basis for this determination and demonstrate how funding will otherwise be used to further the provision of supported services in that area.

Further, an ETC is to update its five-year plan in its annual compliance filing containing information as set forth in the Commission’s *Report and Order* in the above-captioned proceeding (“*ETC Report and Order*”).⁴

⁴ *Federal-State Joint Board on Universal Service, Report & Order*, 20 FCC Red 6371 (2005) (“*ETC Report and Order*”). Section 54.209(b) of the Commission’s rules states that “In order for a common carrier designated under section 214(e)(6) to continue to receive support for the following calendar year, or retain its eligible telecommunications carrier designation, it must submit the annual reporting information in paragraph (a)... annually by October 1 of each year.” 47 C.F.R. § 54.209(b).

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Since filing its Petition in the 2008 calendar year, WCX has received a total of [REDACTED] [REDACTED] from the Universal Service Fund. During this same period, WCX has invested zero dollars in capital improvements. Without knowing exactly how subsidies will be made available to the Company, WCX has been unable to create a sustainable service for the proposed service area. However, in anticipation of ultimately receiving ETC subsidies, WCX has made extensive progress on designing its network, negotiating contracts and obtaining vendors. Once WCX's Petition is granted, and pursuant to the Network Deployment Plan, WCX will invest in excess of [REDACTED] dollars to operationalize [REDACTED] new "core" cell sites along with the necessary switching and fiber-based transport capital expenditures associated with operating these cell sites. WCX labels a cell site that is "fiber fed" as core.

WCX's current detailed five-year Network Deployment Plan is attached as Exhibit A.⁵ The start date for this plan is based on the date our Petition is approved and is assumed to begin in 2011. A listing of capital expenditures by wire centers that will receive increased capacity and coverage and/or improved signal quality as a result of the proposed improvements is attached as Exhibit B.⁶

As described in Exhibit A, the Company's five-year plan envisions significant network investment and associated expenses that WCX would not otherwise undertake. WCX believes that every wire center in its ETC service area will benefit from our service quality improvements made with high cost support.

⁵ This information contained in Exhibit A is proprietary and competitively sensitive; therefore, it is being submitted under seal and is subject to the Company's request for confidential treatment.

⁶ This information in Exhibit B is proprietary and competitively sensitive; therefore, it is being submitted under seal and is subject to the Company's request for confidential treatment,

REDACTED – FOR PUBLIC INSPECTION

There are external factors that are not within WCX's control and are subject to change. Such changes, such as supplier availability of equipment and Adirondack Park Agency approval of negotiated tower lease locations may affect WCX's assumptions and calculations of where and when network facilities will be deployed. Further, projected consumer demand may require increased capacity. As these externally-driven changes occur, WCX will reevaluate and modify its estimates for implementing the Company's network deployment accordingly. As a result, the content and timing of the projects in Exhibit A are subject to change. Nonetheless, the Network Deployment Plan described in Exhibit A demonstrates WCX's commitment to use federal high-cost support to make measurable improvements in coverage and capacity for consumers throughout its ETC service area. Further, WCX commits to update the Commission on its progress every year prior to being recertified.

B. Service Requests.

The FCC's annual ETC reporting rules require carriers to report the "number of requests for service from potential customers within the eligible telecommunications carrier's service areas that were unfulfilled during the past year" and to describe the steps taken to attempt to provide service.⁷

WCX hereby certifies that it will follow the six-step process for provisioning service to requesting customers set forth in the FCC's rules. The Company will implement the necessary tracking systems and put in place employee training procedures to ensure that the six-step process is followed as set forth in the FCC's rules. Specifically, in response to requests for service at a residence or business, WCX will take the following steps:

⁷ 47 C.F.R. § 54.209(a)(3).

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1. If a request comes from a customer within its existing network, WCX provides service immediately using its standard customer equipment.

2. If a request comes from a customer residing in any area where WCX does not provide service, WCX follows a series of steps to provide service.

* First, it determines whether the customer's equipment can be modified or replaced to provide acceptable service.

* Second, it determines whether a roof-mounted antenna or other network equipment can be deployed at the premises to provide service.

* Third, it determines whether adjustments at the nearest cell site can be made to provide service.

* Fourth, it determines whether there are any other adjustments to network or customer facilities which can be made to provide service.

* Fifth, it explores the possibility of offering the resold service of carriers that have facilities available to that location.

* Sixth, WCX determines whether an additional cell site, a cell-extender, or repeater can be employed or can be constructed to provide service, and evaluates the costs and benefits of using scarce high-cost support to serve the number of customers requesting service. If there is no possibility of providing service short of these measures, WCX notifies the customer and the Commission of how many requests for service could not be filled in its next annual certification report. The Commission retains authority to resolve any customer complaints that WCX has refused to respond to a reasonable request for service.

From 2008 until present, WCX has had inquiries which equate to approximately 150 potential users who currently do not have service from any provider that is comparable to service

in large metropolitan areas. These inquiries were predominately in the form of support letters in WCX's attempt to work with Chazy Telephone Company ("Chazy") to obtain subsidy via what is known as the BIP program from the Rural Utility Service. The potential users all understood that WCX and Chazy would not be able to deliver LTE service unless and until WCX was able to obtain a subsidy to build the initial network. To date, WCX has not been able to obtain subsidy and therefore has not provided service to the unserved areas.

C. Consumer Complaints.

There have been no complaints against WCX.

D. Commitment to Consumer Code for Wireless Services.

When WCX initiates operation in New York, WCX commits to: (1) disclose rates and terms of service to customers; (2) make available maps showing where service is generally available; (3) provide contract terms to customers and confirm changes in service; (4) allow a trial period for new service (5) provide specific disclosures in advertising (6) separately identify carrier charges from taxes on billing statements; (7) provide customers the right to terminate service for changes to contract terms; (8) provide ready access to customer service; (9) promptly respond to consumer inquiries and complaints received from government agencies; and (10) abide by policies for protection of consumer privacy.

E. Ability to Remain Functional in Emergencies.

Under the rules adopted in the *ETC Report and Order*, an ETC applicant must:

demonstrate its ability to remain functional in emergency situations, including a demonstration that it has a reasonable amount of back-up power to ensure functionality without an external power source, is able to reroute traffic around damaged facilities, and is capable of managing traffic spikes resulting from emergency situations.⁸

⁸ *ETC Report and Order, supra*, 20 FCC Rcd at 6382; 47 C.F.R. § 54.202(a)(2).

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WCX is mindful of the importance of ensuring uninterrupted service so that law enforcement and public safety officials, as well as the general public, can make important calls in the event of an emergency. WCX hereby certifies that its proposed network design is capable of functioning in emergency situations as set forth in section 54.202(a)(2).

F. Local Usage.

In the *ETC Report and Order*, the Commission concluded that each ETC must annually certify that it offers at least one local usage plan comparable to the one offered by the incumbent LEC in the service areas for which the applicant seeks designation.⁹ In the *ETC Report and Order* on which that requirement was based, the FCC declined to adopt a specific local usage threshold or require that an applicant match the incumbent's offering. Rather, the FCC concluded that the comparability of rate plans should be evaluated on a case-by-case basis, in consideration of the number of included minutes, the size of the "local" calling area, monthly price, and other factors. In this regard, the FCC has mentioned that an applicant may offer "a local calling plan that has a different calling area than the local exchange area provided by the LECs in the same region, or . . . a specified number of free minutes of service within the local service area."¹⁰ The FCC also envisioned cases where an applicant may offer an unlimited calling plan that bundles local minutes with long distance minutes.¹¹

WCX will satisfy the FCC's local usage requirement in that consumers may choose from a variety of plans with different combinations of minutes with one plan offering unlimited minutes, and monthly rates, to suit individual consumer needs. With the ability to choose rate plans that meet their calling patterns and preferences, the Company's customers have the ability

⁹ See *ETC Report and Order*, *supra*, 20 FCC Red at 6385; 47 C.F.R. S 54.209(a)(7).

¹⁰ See *ETC Report and Order*, *supra*, 20 FCC Red at 6385.

¹¹ *Id.*

REDACTED – FOR PUBLIC INSPECTION

to select at least one rate plan that offers comparable or better value than the rate plans of the ILECs in the same areas.

The Company's rate plans offer comparable or better value to consumers than those offered by the ILECs in its proposed ETC service area. For example, WCX will offer a Nationwide 500 Plan which will offer 500 minutes of calling that allow customers to make calls or travel beyond any local calling area without incurring toll or roaming charges. The plan will be available for a monthly price of [REDACTED]¹². In addition, the Company will offer a combined voice and data plan and fixed voice rate plans.

The rate plans described above demonstrate that WCX's service offerings allow consumers to select a plan that provides them with equal or greater value than a wireline rate plan. The service area associated with the rate plans are much larger than rural ILEC local calling areas, which typically allow a consumer to reach only a few hundred or a few thousand people within an area made up of a handful of exchanges. Consumers that travel more or make many calls to relatives or business associates will benefit from the above plans. Providing deeper geographic reach delivers a significant benefit to the consumer, and the FCC has cited studies concluding that "wireless service is cheaper than wireline, particularly if one is making a long distance call or when traveling."¹³

In sum, WCX certifies that it will offer at least one plan that is comparable to ILEC rate plans under the applicable FCC test.

H. Equal Access.

¹² WCX notes that the Verizon Plan for 450 Minutes of nationwide service is more expensive and provides for less minutes. Verizon has been granted an ETC designation for New York.

¹³ Implementation of Section 6002(b) of the Omnibus Budget Reconciliation Act of 1993. Annual Report & Analysis of Competitive Market Conditions with Respect to Commercial Mobile Servs., *Ninth Report*, 19 FCC Rcd. 20597, 20684, para. 214 (2004).

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As required of ETCs designated by the FCC under the *ETC Report and Order*,¹⁴ WCX acknowledges that the FCC may require it to provide equal access to interexchange carriers in the event no other ETC is providing equal access in the designated ETC service area. If so requested by any IXC who believes equal access is warranted, WCX would be willing to interconnect and allow the IXC equal access to WCX's customers.

CONCLUSION

WCX hopes that you will find its current five-year Network Deployment Plan helpful in expediting WCX for designation as an ETC for its requested Service Area.

Respectfully submitted,

/s/ W. Scott McCollough
W. Scott McCollough
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Bldg 2-235
West Lake Hills, TX 78746
(512) 888-1112

Counsel for Worldcall Interconnect, Inc.

Dated: January 7, 2011

¹⁴ See *ETC Report anti Order. supra.* 20 FCC Red at 6386.

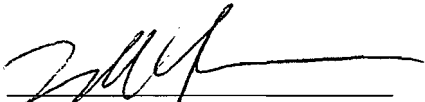
CONFIDENTIAL VERSION

DECLARATION UNDER PENALTY OF PERJURY

I, Lowell Feldman, do hereby declare under penalty of perjury as follows:

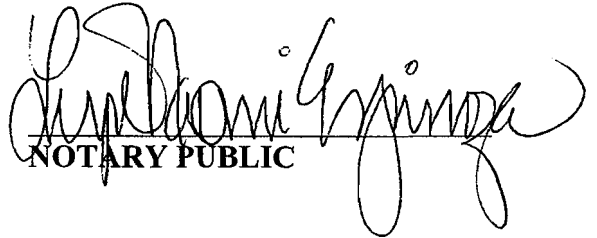
1. I am the CEO of Worldcall Interconnect, Inc.
2. This Affidavit is submitted in support of Worldcall Interconnect Inc.'s Petition and in compliance with Sections 54.202 of the FCC's Rules.
3. I declare under penalty of perjury that the statements contained in the foregoing Filing are true and correct to the best of my knowledge, information and belief.

Executed on January 7, 2011



Lowell Feldman
CEO
Worldcall Interconnect, Inc.

SUBSCRIBED, SWORN TO AND ACKNOWLEDGED before me this 7 day of January, 2011.


NOTARY PUBLIC

My Commission Expires: 11/7/2012

